

Chapter 173–03 WAC PUBLIC RECORDS

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WAC

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WAC 173–03–010 What is the purpose of this chapter? The purpose of this chapter is to implement the requirements of RCW 42.17.250 – 42.17.340 relating to public records.

[Statutory Authority: RCW 42.17.250. 98–16–052 (Order 98–12), § 173–03–010, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 43.17.060 and 42.17.260. 90–21–119 (Order 90–37), § 173–03–010, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 – 42.17.340. 78–02–041 (Order DE 77–35), § 173–03–010, filed 1/17/78.]

WAC 173–03–020 How are specific terms defined in this chapter?

- (1) The terms “person,” “public record,” and “writing” shall have the meanings as stated in RCW 42.17.020.
- (2) “Department” means the department of ecology.
- (3) “Director” means the director of the department.
- (4) “Public records officer” means the employee designated as such by the department.
- (5) “Designee” means the employee of the department designated by the director or the public records officer to serve as the public records coordinator at the headquarters offices or at each of the regional offices in the absence of the officer.

[Statutory Authority: RCW 42.17.250. 98–16–052 (Order 98–12), § 173–03–020, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 43.17.060 and 42.17.260. 90–21–119 (Order 90–37), § 173–03–020, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 – 42.17.340. 78–02–041 (Order DE 77–35), § 173–03–020, filed 1/17/78.]

WAC 173-03-030 How is the department of ecology organized?

(1) Headquarters office.

- (a) The headquarters office is located at 300 Desmond Drive, Lacey, Washington. The mailing address for the headquarters office is:

Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

The mailing address for the nuclear waste management program's Hanford project is:

Nuclear Waste Management
1315 W. 4th Ave.
Kennewick, WA 99336

- (b) The offices of the director, deputy director(s), program managers and other agency officials are located in the headquarters office.
- (c) The titles of the executive staff are as follows:

Chief financial officer for financial services.
Administrative services manager for administrative services.
Director for intergovernmental relations.
Director for employee services.
Director for communications and education.
Assistant administrator for spills prevention, preparedness and response.

(2) The program offices located in the headquarters office are:

- (a) Air quality;
(b) Water resources;
(c) Water quality;
(d) Toxics cleanup;
(e) Nuclear waste;
(f) Solid waste and financial assistance;
(g) Hazardous waste and toxics reductions;
(h) Environmental investigations and laboratory services; and
(i) Shorelands and environmental assistance.

(3) Regional offices and their geographical jurisdictions are as follows:

- (a) Northwest regional office (Whatcom, Skagit, Snohomish, San Juan, Island, King, and Kitsap counties):

3190 – 160th Avenue S.E.
Bellevue, WA 98008-5452

- (b) Southwest regional office (Pierce, Thurston, Mason, Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Cowlitz, Wahkiakum, Clark, and Skamania counties):

300 Desmond Drive
Lacey, WA 98503
Mailing address:
P.O. Box 47775
Olympia, Washington 98504-7775

(c) Central regional office (Okanogan, Chelan, Douglas, Kittitas, Yakima, Benton, and Klickitat counties):

15 West Yakima, Suite 200
Yakima, WA 98902-3401

(d) Eastern regional office (Ferry, Stevens, Pend Oreille, Grant, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties):

N. 4601 Monroe, Suite 100
Spokane, Washington 99205-1295

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-030, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 – 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-030, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-030, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 – 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-030, filed 1/17/78.]

WAC 173-03-040 How do I get access to the public records of the department of ecology?

- (1) All public records of the department are available for public inspection and copying under these rules subject to subsections (2), (3), (4), and (5) of this section.
- (2) Availability of public records is subject to the exemptions and prohibitions against disclosure contained in RCW 42.17.310, 42.17.130, 42.17.255, 42.17.260, and 90.52.020. In addition, individuals may request, and ecology may grant, confidentiality of documents from disclosure under RCW 43.21A.160 and 70.105.170.
- (3) When a public record includes information which, if disclosed, would lead to an unreasonable invasion of personal privacy, and the department becomes aware of this fact, the department shall delete such information before making the record available.
- (4) Public records requested may not be readily available for immediate inspection. If the requested records are not readily available, the department shall notify the requester when and where those records will be available.
- (5) Public records of the department are kept by the department or state archives until scheduled for destruction by the records retention schedule in accordance with chapter 40.14 RCW. Public records subject to a request for disclosure when scheduled for destruction shall be retained by the department and may not be erased or destroyed until the request is resolved.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-040, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 – 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-040, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 42.17.250 – 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-040, filed 1/17/78.]

WAC 173-03-050 What records are retained and how are they indexed? The records retention schedule established by the division of state archives of the office of the secretary of state serves as an index for the identification and location of the following records:

- (1) All records issued before July 1, 1990, for which the department has maintained an index;
- (2) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the department in carrying out its duties;
- (3) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the department in carrying out its duties; and
- (4) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990.

The records retention schedule indexes records according to the originating program or section, and then the record series title. Each title is further identified by a statement of function or purpose, and the retention period. The records retention schedule is available to the public for inspection and copying. With the assistance of the public records officer or designee, any person can obtain access to public records of the department using the records retention schedule.

A separate index of policy statements as defined in RCW 34.05.010(4) entered after June 30, 1990, shall be maintained by the department's policy manual coordinator or designees.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-050, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-050, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-050, filed 1/17/78.]

WAC 173-03-060 How do I request a public record?

- (1) All requests for inspection or copying made in person at a department office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date of Request

Time of Request

Name

Address

Description of Records:

I understand that if a list of individuals is provided me by the Department of Ecology, it will neither be used to promote the election of an official nor promote nor oppose a ballot proposition as prohibited by RCW 42.17.130 nor for commercial purposes nor give or provide access to material to others for commercial purposes as prohibited by RCW 42.17.260(9).

I understand that I will be charged the amount necessary to reimburse the department's cost for copying.

Signature

Number of pages to be
copied

Number of copies per
page

Charge per copy \$

Special copy work charge \$

Staff time charge \$

Total charge \$

- (2) You may request records in person at a department of ecology office between the hours of 8:00 a.m. to 12:00 noon and 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.
- (3) If you make your request by mail, your request must contain the following information:
 - (a) The name and address of the person making the request and the organization the person represents;
 - (b) The time of day and calendar date on which the person wishes to inspect the public records;
 - (c) A description of the public records requested;
 - (d) A statement whether access to copying equipment is desired;
 - (e) A phone number where the person can be reached in case the public records officer or designate needs to contact the person for further description of the material or any other reason.
 - (f) A statement that the record will not be used for commercial purposes.
- (4) The department must receive all requests at least five business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting

inspection. The department will process all requests in a timely manner. However, large requests or requests for public records maintained off-site may require more than five business days to prepare. The department will respond to your request within five business days of receiving it, by either:

- (a) Providing the record;
- (b) Acknowledging that the department has received the request and providing a reasonable estimate of the time the department will require to respond to the request; or
- (c) Denying the public record request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the department may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency need not respond to it.

- (5) The department may in its discretion fill requests made by telephone or facsimile copy (fax).

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-060, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 – 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-060, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-060, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 – 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-060, filed 1/17/78.]

WAC 173-03-070 How much will it cost me to view a public record? The department does not charge a fee for the inspection of public records. The department will charge an amount necessary to reimburse its costs for providing copies of records. This amount shall be reviewed from time to time by the department, and shall represent the costs of providing copies of public records and for use of the department's copy equipment, including staff time spent copying records, preparing records for copying, and restoring files. This charge is the amount necessary to reimburse the department for its actual costs for copying and is payable at the time copies are furnished. The charge for special copy work of nonstandard public records shall reflect the total cost, including the staff time necessary to safeguard the integrity of these records.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-070, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 – 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-070, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-070, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 – 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-070, filed 1/17/78.]

WAC 173-03-080 What happens when the department denies a public records request? When the department refuses, in whole or part, a request for inspection of any public record, it must include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-080, filed 7/31/98, effective 8/31/98.
Statutory Authority: RCW 42.17.250 – 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-080, filed 1/17/78.]

WAC 173-03-090 What do I do if I object to the department's denial to review a public record?

- (1) Any person who objects to the refusal of a request for a public record may petition for prompt review of that decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or designee which constituted or accompanied the refusal.
- (2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director or the director's delegate. The director or delegate shall immediately consider the matter and either affirm or reverse the refusal. The final decision shall be sent to the objecting person within two business days following receipt of the petition for review.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-090, filed 7/31/98, effective 8/31/98.
Statutory Authority: RCW 42.17.250 – 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-090, filed 1/17/78.]

WAC 173-03-100 How does the department protect public records? In order to adequately protect the public records of the department, you must comply with the following guidelines while inspecting public records:

- (1) You may not remove any public record from the department's premises.
- (2) You must have a designated department employee present while you are inspecting a public record.
- (3) You may not mark or deface a public record in any manner during inspection.
- (4) You may not dismantle public records which are maintained in a file or jacket, or in chronological or other filing order, or those records which, if lost or destroyed, would constitute excessive interference with the department's essential functions.
- (5) Access to file cabinets, shelves, vaults, or other storage areas is restricted to department personnel, unless other arrangements are made with the public records officer or designee.

[Statutory Authority: RCW 42.17.250. 98-16-052 (Order 98-12), § 173-03-100, filed 7/31/98, effective 8/31/98.
Statutory Authority: RCW 42.17.250 – 42.17.340 and 1992 c 139. 92-20-116 (Order 92-37), § 173-03-100, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.060 and 42.17.260. 90-21-119 (Order 90-37), § 173-03-100, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 – 42.17.340. 78-02-041 (Order DE 77-35), § 173-03-100, filed 1/17/78.]